

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **BRUCE C. HUNTER, M.D.**

4 Holder of License No. **24075**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. **MD-05-1029A**
MD-05-0177A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

7
8 **INTRODUCTION**

9 The above-captioned matter came on for discussion before the Arizona Medical
10 Board ("Board") on January 30, 2006. After reviewing relevant information and
11 deliberating, the Board considered proceedings for a summary action against the license
12 of Bruce C. Hunter, M.D. ("Respondent"). Having considered the information in the
13 matter and being fully advised, the Board enters the following Interim Findings of Fact,
14 Conclusions of Law and Order for Summary Suspension of License, pending formal
15 hearing or other Board action. A.R.S. § 32-1451(D).

16 **INTERIM FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for licensing and regulating the
18 practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 24075 for the practice of allopathic
20 medicine in the State of Arizona.

21 **Case No. MD-05-1029A**

22 3. The Board initiated case number MD-05-1029A on October 6, 2005 after
23 receiving a complaint alleging Respondent failed to establish a doctor-patient
24 relationship before prescribing Viagra over the internet, including failing to conduct a
25 physical examination and failed to maintain adequate medical records. On November 7,

1 2005 Respondent filed a response with the Board admitting he prescribed medications
2 over the internet for a period of time and maintain he established a doctor-patient
3 relationship when the patient confided his personal medical history. The complainant
4 stated Respondent never contacted him to verify his medical information. Respondent's
5 response to the Board was due on November 2, 2005 and he did not request nor receive
6 an extension of this time. In his November 7, 2005 response Respondent stated he did
7 not know internet prescribing was not condoned by the Board and that he had
8 immediately stopped prescribing over the internet when he heard from the Board.

9 4. A pharmacy survey conducted by the Board indicates Respondent
10 continued to prescribe over the internet through January 17, 2006. The pharmacy
11 survey indicates Respondent prescribed Xenical three times; Sonata one time; Ambien
12 one time; Levitra five times; phentermine one time; Adipex two times; Tramadol one time
13 and carisoprodol (Soma) twenty-three times. Respondent currently resides in Utah. The
14 pharmacy records were obtained from a pharmacy in Florida.

15 **Case Number MD-05-0177A**

16 5. The Board initiated case number MD-05-0177A on March 25, 2005 after
17 receiving a complaint that Respondent failed to establish a doctor patient relationship,
18 prescribed Soma over the internet without conducting a physical examination and failed
19 to maintain adequate records. Respondent was noticed of the allegations on April 20,
20 2005, but did not respond. Respondent was noticed again on July 15, 2005 and did not
21 respond. A telephone call was placed to Respondent on August 1, 2005 and did not
22 respond. The notice letter was sent by certified mail a third time on August 25, 2005.
23 Respondent did not respond by the required date. On September 19, 2005 Respondent
24 contacted the Board and requested clarifying information. Additional notices were sent
25

1 to clarify the allegations and obtain additional information. Respondent did not respond
2 by the required date.

3 6. On October 17, 2005 Board Staff contacted a website selling Soma by
4 telephone. A customer service representative indicated Respondent was one of two
5 physicians who prescribed medications over the website for the company. The customer
6 service representative also indicated the customer ordering the medication does not
7 speak with either physician in consultation, but fills out a form online that is forwarded to
8 either Respondent or the other physician.

9 7. Respondent filed a response on November 7, 2005 admitting he prescribed
10 medications over the internet for a period of time. Respondent stated he did not know
11 internet prescribing was not condoned by the Board. Respondent indicated in his letter
12 that he immediately stopped internet prescribing. A pharmacy survey of a Utah
13 pharmacy indicates Respondent continued to prescribe over the internet through
14 December 30, 2005. The survey indicated Respondent wrote over 400 prescriptions
15 during November and December 2005 through a "prescriptionsusa" website. The
16 pharmacist at the Utah pharmacy informed Board Staff the internet companies contact
17 him and ask if he will fill prescriptions for their site. The pharmacist indicated he asks the
18 names of doctors who prescribe for the website and one of the names he was given was
19 Respondent. The pharmacist indicated the prescriptions he has filled for Respondent
20 over the past few months have mainly been for erectile dysfunction (Viagra, Cialis,
21 Levitra) because he longer fills prescriptions that come from internet website for
22 controlled substances.

23 8. Respondent was asked for, but failed to provide any medical records for
24 the patients for whom he has prescribed.
25

1 9. The Board received information that Respondent prescribed Soma over the
2 internet to PZ a thirty-one year-old male resident of Minnesota. PZ was found in his
3 home and was unresponsive as a result of ingesting fifteen to twenty tablets of Soma
4 along with Oxy-Contin. The Oxy-Contin was prescribed by another physician.

5 10. The standard of care required Respondent to establish a physician-patient
6 relationship on a face-to-face basis prior to prescribing medications or rendering
7 treatment.

8 11. Respondent failed to establish a physician-patient relationship prior to
9 prescribing medications or rendering treatment over the internet.

10 12. PZ was harmed as he overdosed on the medication prescribed by
11 Respondent. Other persons who received prescriptions from Respondent were subject
12 to the potential harm of becoming addicted to improperly prescribed substances.

13 13. The facts as presented demonstrate that the public health, safety or welfare
14 imperatively requires emergency action.

15 **INTERIM CONCLUSIONS OF LAW**

16 1. The Board possesses jurisdiction over the subject matter hereof and over
17 Respondent, holder of License No. 24075 for the practice of allopathic medicine in the
18 State of Arizona.

19 2. The conduct and circumstances described above constitute unprofessional
20 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate
21 records on a patient;") 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
22 harmful or dangerous to the health of the patient or the public;") 32-1401(27)(dd) ("[f]ailing
23 to furnish information in a timely manner to the board or the board's investigators or
24 representatives if legally requested by the board;") 32-1401(27)(jj) ("[k]nowingly making
25 a false or misleading statement to the board ore on a form required by the board or in a

1 written correspondence, including attachments, with the board;") 32-1401(27)(II)
2 ("[c]onduct that the board determines is gross negligence, repeated negligence, or
3 negligence resulting in harm to or the death of a patient;") and 32-1401(27)(ss)
4 ("[p]rescribing, dispensing or furnishing a prescription medication or a prescription-only
5 device . . . to a person unless the licensee first conducts a physical examination of that
6 person or has previously established a doctor-patient relationship.")

7 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law,
8 the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-
9 1451(D).

10 ORDER

11 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
12 above, IT IS HEREBY ORDERED THAT:

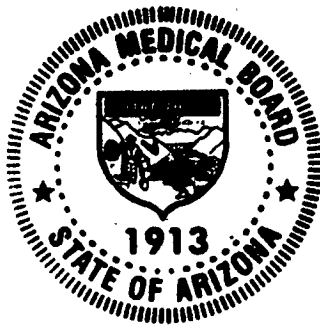
13 1. Respondent's license to practice allopathic medicine in the State of Arizona,
14 License No. 24075, is summarily suspended pending a formal hearing before an
15 Administrative Law Judge from the Office of Administrative Hearings.

16 2. The Interim Findings of Fact and Conclusions of Law constitute written
17 notice to Respondent of the charges of unprofessional conduct made by the Board
18 against him. Respondent is entitled to a formal hearing to defend these charges as
19 expeditiously as possible after the issuance of this order.

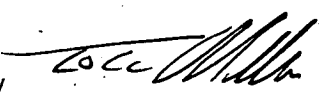
20 3. The Board's Executive Director is instructed to refer this matter to the Office
21 of Administrative Hearings for scheduling of an administrative hearing to be commenced
22 as expeditiously as possible from the date of the issuance of this order, unless stipulated
23 and agreed otherwise by Respondent.

1 DATED this 30th day of January 2006.

2
3
4 [SEAL]



ARIZONA MEDICAL BOARD

5
6 By 
7 Timothy C. Miller, J.D.
8 Executive Director

9 ORIGINAL of the foregoing filed this
10 30th day of January, 2006, with:

11 Arizona Medical Board
12 9545 East Doubletree Ranch Road
13 Scottsdale, Arizona 85258

14 EXECUTED COPY of the mailed by
15 certified mail this 30th day of January 2006
16 to:

17 Bruce C. Hunter, M.D.
18 (Address of record)

19 Executed copy of the foregoing mailed by
20 first class mail this 30th day of January 2006
21 to:

22 Dean Brekke
23 Assistant Attorney General
24 Arizona Attorney General's Office
25 1275 West Washington, CIV/LES
Phoenix, Arizona 85007

